

application are claims 1 to 17 and 22 to 24, it should be noted that the claims in the application are claims 24 to 41 since claims 27 to 41 were presented in the preliminary amendment of December 13, 2000. In the event that the same has been misplaced by the Patent Office, a copy of the said amendment is enclosed herewith as well as a copy of the return receipt card showing that the amendment was filed December 14, 2000.

It is noted that the Examiner indicated that original claims 3, 6, 8 to 11, 13 to 17 and 22 to 24 were drawn to allowable subject matter. Therefore, it is deemed that claims 22 to 24 are allowed and it is believed that the present claims 27 to 41 are also allowable.

The Examiner rejected claims 1, 2, 4, 5 and 12 as being obvious over the prior art. Claims 1 and 5 are deemed to be anticipated by the Japanese reference and claims 2, 4 and 12 were deemed to be obvious thereover.

Applicants respectfully traverse these grounds of rejection since the amended claims are not deemed to be anticipated or obvious from the Japanese reference. The Japanese reference teaches compositions comprising seawater, adequate amounts of water, saccharides, fruit juice proteins and amino acid, vitamins, vegetable extracts, carbonic acid, a flavoring agent, a sweetener, lactic acid and lactic acid bacteria, honey, nicotinic acid, sodium

glutamate, a sour agent, a thickener, a colorant, a stabilizer and amounts of emulsifying agent, fiber fats, ash, arginine, caffeine, preservative and caramel which are intended for elementary use.

In contrast thereto, Applicants' compositions are drawn to a pharmaceutical hygienic and/or cosmetic composition containing as active ingredients a combination of seawater and a basic amino acid in its natural form or its salt or ester form or a plant or animal extract form or phytoplankton extract form which are used to treat local, allergic or inflammatory symptoms. Therefore, the Japanese reference does not render obvious the present invention or anticipate the present invention. Withdrawal of this ground of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:



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CAM:ds
Enclosures



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DEC 07 2001

GEI-082

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Application of: :
F. JOLY et al :
Serial No.: 700,120 :
Filed: November 8, 2000 :
For: PHARMACEUTICAL...AND USES :
:

600 Third Avenue
New York N.Y. 10016
December 13, 2000

PRELIMINARY AMENDMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend this application as follows:

IN THE CLAIMS:

Cancel claims 1 to 17 and add the following claims:

--27. *pharmaceutical, hygienic and/or cosmetic*
A composition for inhibiting degranulation of mastocytes induced by substance P comprising an effective amount of a mixture of 30 to 99% by weight of sea water and 0.0001 to 10% by weight of a basic amino acid or its salts or esters *on plant or animal extract or phytoplankton and an inert non-toxic carrier.*

28. A composition of claim 27 wherein the basic amino acid contains a substituent selected from the group consisting of guanidine, amino, substituted amino, quaternary ammonium methyl, carboxamido, cyano, phosphonic or hydrazido.

29. A composition of claim 27 wherein the basic amino is an extract selected from the group consisting of algae extract, marine extract, thermal and lake mud extract, bacterial extract and plankton extract.

30. A composition of claim 27 wherein the basic amino is in a form selected from the group consisting of hydrochloride salt, dihydrochloride salt, glutamate salt, pidolate salt, methyl ester and ethyl ester.

31. A composition of claim 27 wherein the basic amino acid is arginine.

32. A composition of claim 27 wherein the basic amino acid is arginine pidolate.

33. A composition of claim 27 wherein the sea water is filtered and is sterilized.

34. A composition of claim 33 wherein the sea water is made isotonic.

35. A composition of claim 27 containing 60 to 95% by weight of sea water.

36. A composition of claim 27 containing 0.0005 to 2% by weight of a basic amino acid.

37. A composition of claim 27 also containing a member selected from the group consisting of anti-bacterial agent, anti-parasitic agent, anti-fungal agent, anti-prurigenic agent, anti-free radical, an anaesthetic agent, anti-viral agent, anti-dandruff agent, anti-acne agent, anti-seborrheic agent, hydrocolloids and vitamins.

38. A composition of claim 27 also containing a pH regulating agent.

39. A composition of claim 38 wherein the pH is regulated between 5.5 to 9.

40. A composition of claim 27 also containing a hydrocolloid selected from the group consisting of an aminoglycane, a polysaccharide and a polysaccharide polymer.

, 41. A composition of claim 27 wherein the carrier is a cosmetic base.--

Claims 24 and 26, line 4 of each, change "1" to --27--

REMARKS

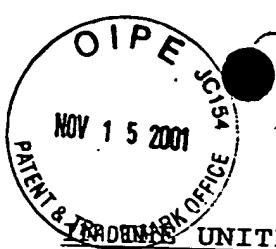
The present amendment is being presented in order to write the composition claims to conform to the American practice.

Respectfully submitted,
Bierman, Muserlian and Lucas

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CAM:ds
Encl.: Return receipt postcard



MARKED UP VERSION OF CLAIMS

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